

PERMIT

Permit No: 201504081-SJ

Municipality: Milford

Work Area: Milford Harbor off property located at
1-44 Old Oyster Dock Landing

Permittee: Oyster Landing Beach Club Association, Inc.
50 Robert Dennis Drive
Milford, CT 06461

Pursuant to sections 22a-359 through 22a-363g of the Connecticut General Statutes (“CGS”) and in accordance with section 401 of the Federal Clean Water Act, as amended, and the Connecticut Water Quality Standards, effective February 25, 2011, a permit is hereby granted by the Commissioner of Energy and Environmental Protection (“Commissioner”) to conduct new and maintenance dredging for marine commercial use as is more specifically described below in the SCOPE OF AUTHORIZATION, off property identified as the “work area” above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #201504081-SJ, including seven sheets of plans with sheets 1, 2, 5 and 6 dated May 7, 2015, sheets 3 and 4 revised October 19, 2015, and sheet 1 of 1 dated December 2015, submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. dredge, by mechanical means, approximately 4,800 cubic yards of sediment over an approximately 46,500 square foot area to achieve a depth of -8.0' MLW in accordance with SPECIAL TERMS AND CONDITIONS, paragraph 7., below;

2. dispose of the dredge sediment at the Central Long Island Sound Disposal Site in accordance with SPECIAL TERMS AND CONDITIONS, paragraph 7., below.

SPECIAL TERMS AND CONDITIONS

1. Unconfined in-water excavating, dredging, filling or removal of debris or other material is prohibited between February 1 and May 15 and between July 1 and August 30 of any year unless otherwise authorized in writing by the Commissioner. The specific closure dates are as follows: February 1st through May 15th in order to protect winter flounder; and July 1st through August 30th in order to protect spawning shellfish.
2. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of all contractor(s) employed to conduct such work and the expected date for commencement and completion of such work, if any.
3. The Permittee shall file Appendix B on the land records of the municipality in which the subject property is located not later than thirty days after permit issuance pursuant to CGS Section 22a-363g. A copy of Appendix B with a stamp or other such proof of filing with the municipality shall be submitted to the Commissioner no later than sixty (60) days after permit issuance.
4. Not later than two (2) weeks subsequent to the completion of any dredging activity authorized herein, the Permittee shall submit to the Commissioner a completed Dredging Report on the form attached hereto as Appendix C. A separate form shall be submitted by the Permittee for each distinct dredging activity conducted pursuant to this authorization.
5. The Permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit. At the work area the contractor(s) shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
6. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
7.
 - a. Dredging authorized herein shall occur sequentially so that the 3,040 cubic yards of sediments represented by OL-1 and OL-2, as shown on Sheet 1 of 1, attached hereto, are dredged and disposed of prior to dredging the 1,760 cubic yards of sediments represented by OL-3.
 - b. The approximately 3,040 cubic yards of sediment represented by OL-1 and OL-2 authorized to be dredged herein shall be capped with material suitable for unconfined open

water disposal as calculated by the U.S. Army Corps of Engineers.

- c. In the event that suitable sediment is directed by the Commissioner for use to cap the sediment authorized to be dredged herein, and such direction results in actual increased costs to the authorization holder who is providing the sediment to be used as cap, the Permittee shall be responsible for any actual additional costs incurred by the direction of suitable cap sediments to the disposal site authorized herein.
8. Sediment dredged pursuant to this authorization shall not be sold nor shall any fee for its use be charged without the express prior written authorization of the Commissioner and payment of a \$4.00 per yard royalty to the State of Connecticut Department of Energy and Environmental Protection, pursuant to CGS section 22a-361(e).
9. Dragging the bottom with a spoil barge, scow, vessel, beam or similar equipment outside of the area authorized by this certificate to be dredged or excavated is prohibited.
10. Sidecasting or in-water rehandling of dredged or excavated material is prohibited.
11. Spoil scows or barges shall be loaded and navigated in a manner which prevents uncontrollable motion or spillage and washout of dredged or excavated materials.
12. The Permittee shall not dispose of dredged or excavated material as authorized unless said disposal is supervised and witnessed by an on-board inspector or documented by an automated disposal monitoring program approved by the United States Army Corps of Engineers-New England District
13. Spoil scows or barges used by the Permittee for disposal of dredged or excavated material as authorized hereunder shall travel to and from the Central Long Island Sound Disposal Site utilizing sea lanes delineated by the United States Army Corps of Engineers-New England District.
14. The Permittee shall point-dump dredged or excavated materials at a specified buoy or set of coordinates identified by United States Army Corps of Engineers-New England District within the disposal area authorized by this permit.
15. The Permittee shall, no later than the permit expiration date, submit documentation to the Commissioner verifying the purchase and availability of a pump-out unit capable of handling the wastes generated by the vessels berthed at the facility. Such pump-out unit shall be available for operation between April 15 and October 15 of every year the facility is in operation.
16. The Permittee shall establish a minimum of a 10 foot setback from any wetlands or watercourses in and adjacent to the area where work is to be conducted or areas which are to be used for access to the work area. Such setback area(s) shall be flagged so as to be readily identifiable by contractor personnel until the work authorized hereunder is completed.
17. Except as specifically authorized by this permit, no equipment or material, including but not

limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, or within any delineated setback area, nor shall any wetland, watercourse or delineated setback area be used as a staging area or access way other than as provided herein.

18. The Permittee shall dispose of aquatic sediments in accordance with the terms and conditions of this permit. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material, as applicable.
19. On or before ninety (90) days after completion of the work authorized herein, the Permittee shall submit to the Commissioner an "as-dredged" survey of the work area showing contours, bathymetries, and tidal datums. Such survey shall be the original one and be signed and sealed by an engineer, surveyor or architect, as applicable, who is licensed in the State of Connecticut. A maximum overdredge of 1.0' may be considered in substantial compliance with this authorization.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five (5) years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
 - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to said work completion date. Such request shall describe the work done to date, what work still needs to be completed, and the reason for such extension. It shall be the Commissioner's sole discretion to grant or deny such request.
 - b. Any work authorized herein conducted after said work completion date or any authorized one year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Permittee may not conduct work waterward of the coastal jurisdiction line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
4. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363g.
5. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution

of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, “pollution” means “pollution” as that term is defined by CGS section 22a-423.

6. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or access way in connection with such work, to their condition prior to the commencement of such work.
7.
 - a. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
 - b. A change in the form of ownership of any structure authorized herein from a rental/lease commercial marina to a wholly-owned common interest community or dockominium may constitute a change in purpose as specified in paragraph (a) above.
8. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
9. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee’s obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
10. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Energy and Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054
11. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word “day” as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a

date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.

12. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
13. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
14. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
15. In the event the Permittee becomes aware that they did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
16. This permit may be revoked, suspended, or modified in accordance with applicable law.
17. The issuance of this permit does not relieve the Permittee of their obligations to obtain any other approvals required by applicable federal, state and local law.
18. This permit is subject to and does not derogate any present or future property rights or powers

of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Issued on _____, 2016

STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Michael Sullivan
Deputy Commissioner

Permit #201504081-SJ
Oyster Landing Beach Club Association, Inc.

